

# EXHIBIT 4



U.S. Department of Justice

Civil Division, Torts Branch  
Federal Tort Claims Act Staff

Phyllis J. Pyles  
Director

Post Office Box 888  
Benjamin Franklin Station  
Washington, D.C. 20044

Telephone: (202) 616-4265  
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PJP:ALLanstra  
157-16-31504

VIA CERTIFIED MAIL--  
RETURN RECEIPT REQUESTED

Anthony M. Cardinale, Esq.  
655 Summer Street  
Boston, MA 02210

Re: Administrative tort claim of Richard Deegan, as Administrator of the Estate of Edward Deegan

Dear Mr. Cardinale:

The administrative claim which you presented on or about January 27, 2003, to the Federal Bureau of Investigation on behalf of Richard Deegan, as Administrator of the Estate of Edward Deegan, has been referred to this office for a determination.

The administrative claim seeks damages under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-2680. In order to recover, a claimant must show negligence or a wrongful act or omission on the part of a federal employee acting within the scope of employment. In addition, a claim must be presented within the limitations period established by the Act. Claims may only be pursued by the injured party or a duly authorized agent or legal representative. 28 C.F.R. § 14.2(a).

I have reviewed the material you have submitted and have considered the pertinent circumstances. Because the claim is barred by several provisions of the Federal Tort Claims Act, and otherwise fails to state a claim under the law of Massachusetts, it must be, and hereby is, denied.

FILE  
ALL

I am required by law (28 C.F.R. § 14.9(a)) to inform you that if the claimant is dissatisfied with this determination, the claimant must file suit in an appropriate United States District Court not later than six months after the date of mailing of this notification of denial. 28 U.S.C. § 2401(b).

Very truly yours,

A handwritten signature in cursive script, reading "Phyllis J. Pyles".

PHYLLIS J. PYLES  
Director, Torts Branch  
Civil Division

cc: Honorable Valerie Caproni  
General Counsel, Federal Bureau of Investigation  
935 Pennsylvania Avenue, N.W.  
Washington, D.C. 20535-0001

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Official Business

Administrative Tort Claim of  
 Richard Deegan, as Administrator of the  
 Estate of Edward Deegan  
 157-16-31504

Print your name, address and ZIP Code here  
 • Phyllis J. Pyles

Director  
 Torts Branch, Civil Division  
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 Anthony M. Cardinale, Esq.  
 655 Summer Street  
 Boston, MA 02210

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*Anthony M. Cardinale*

6. Signature (Agent)  
*Phyllis J. Pyles*

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